

UNITED STATES DISTRICT COURT

for the

WESTERN District of TEXAS

United States of America

v.

CRISTOBAL IBARRA

Case No. SA-23-MJ-1746

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 19, 2023 in the county of Comal in the
Western District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 USC § 922(g)(1)

Felon in Possession of a Firearm.

Penalties: Up to 15 Years Imprisonment; \$250,000 fine; 3 Years
Supervised Release; and \$100 Mandatory Special Assessment.

This criminal complaint is based on these facts:

See attached affidavit

☒ Continued on the attached sheet.Robert
SalinasDigitally signed by Robert
Salinas
Date: 2023.12.20
10 06:44 -06'00'*Complainant's signature*

TFO Robert Salinas, FBI

Printed name and title

- ☐ Sworn to before me and signed in my presence.
☒ Sworn to telephonically and signed electronically.

Date: 12/20/2023City and state: San Antonio, Texas*Judge's signature*

Richard B. Farrer, U.S. Magistrate Judge

Printed name and title

AFFADAVIT IN SUPPORT OF A CRIMINAL COMPLAINT

I, Robert Salinas, having been first sworn oath, do duly depose and state as follows:

1. Affiant is a Texas Peace Officer and has been employed with the New Braunfels Police Department for 14 years. Affiant is currently assigned to the Federal Bureau of Investigation Safe Streets Task Force. Affiant has participated in State and federal search/arrest warrants and narcotics related cases and has made numerous arrests for narcotics violations which have resulted in successful prosecution. Affiant has personally participated in this investigation and is thoroughly familiar with the information contained in this affidavit, through personal investigation and/or through discussions with other law enforcement personnel.
2. This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts. I have not included every fact known by me concerning the individual or event described herein. The information contained in this affidavit is based upon my investigation and that of other law enforcement officers.
3. On December 19, 2023, the New Braunfels Police Department received a call for service for "shots fired" around the 3000 block of FM 482, New Braunfels, Texas. The CFS stated that the shots were coming from the first couple of trailer homes within the mobile home community.
4. NBPD Officers arrived and located a green Honda passenger car occupied by a male subject, later identified as Cristobal Ibarra. The male was the sole occupant of the Honda and was observed making furtive movements by approaching officers. Officers retreated to the back of their patrol vehicle and began providing verbal commands to the male occupant to "exit the vehicle" and "show his hands". Despite those commands, Ibarra continued making overt movements within the vehicle and did not immediately comply with the commands being provided. Ibarra then quickly exited from the vehicle and began walking towards the side of a trailer before turning and aggressively approaching Patrol Officers.
5. Ibarra aggressively approached officers while berating them with vulgarities and shouting. Officers attempted to subdue Ibarra with sponge impact rounds, but they had no apparent effect. Ibarra also received several deployments from a Taser 7 device to no avail. Eventually, officers subdued Ibarra and detained him.
6. Ibarra told arresting officers that he had discharged several rounds from a firearm, which was inside the Honda passenger car. There were no other occupants observed in the vehicle and officers found a Smith & Wesson, model M&P, 9mm caliber semiautomatic handgun positioned near the rear of the front-right passenger side floorboard, underneath the front-right passenger side seat. Ibarra stated that he did not aim the firearm in any particular direction but pointed the barrel of the firearm upwards, subsequently discharging upwards of 6 - 10 rounds in the densely populated area.

7. Ibarra admitted to Officers he had been released from an Arizona State Prison in September 2022 for several violent felony offenses. Ibarra mentioned to Officer he is an active member of a Compton California Street Gang, Barrios Los Padrinos.
8. The seized firearm was manufactured by Smith & Wesson and made in Springfield, Massachusetts indicating this firearm has been shipped or transported in interstate commerce.
9. Ibarra has prior felony convictions for the following crimes:
 - 2013 Drug Paraphernalia -Possess/Use (Maricopa Co)
 - 2013 Aggravated Assault (Maricopa Co)
 - 2014 Agg Assault – Deadly Weapon/Dang Inst (Maricopa Co)
 - 2018 Misconduct Involving Weapons (Maricopa Co)

Based on the above, your affiant has probable cause to believe that **Cristobal Ibarra**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm, which had been shipped and transported in interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

Robert
Salinas
Robert Salinas
Task Force Officer
Federal Bureau of Investigation

Digitally signed by Robert Salinas
Date: 2023.12.20
10:07:17 -06'00'

Sworn to and subscribed to telephonically the 20th day of December, 2023.



Richard B. Farrer
United States Magistrate Judge